

**REMARKS**

Claims 1-17 and 19 are all the claims pending in the application.

**I. Preliminary Matters**

Applicants note that the references submitted with the Information Disclosure Statement filed October 5, 2004, have not been considered by the Examiner. Therefore, Applicants submit together with this paper the copies of:

1. Filing receipt which clearly shows that the Information Disclosure Statement was received in the U.S. Patent and Trademark Office.
2. Information Disclosure Statement filed October 5, 2004.
3. PTO/SB/08 submitted October 5, 2004.
4. Communication from the European Patent Office submitted October 5, 2004.

It is respectfully requested that the references be considered and an initialed PTO/SB/08 return to the Applicants with the next correspondence from the USPTO.

It is Applicants belief that the Information Disclosure Statement filed October 5, 2004 satisfied all of the requirements under 37 C.F.R. §§ 1.97 and 1.98 and, therefore, no fee is currently due. However, the USPTO is authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

**II. Claim Rejections - 35 U.S.C. § 103**

**A. Claims 1, 6, 7 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellegaard (WO 99/00942) in view of Kakuma (U.S. Patent No. 5,488,606).

**Claim 1** recites among other elements: “mapping the content of said K1 and K2 bytes by protocol exchange into POH bytes of the path overhead in SDH or SONET, at Low Order and/or High Order level...”

**Ellegaard** discloses nodes K1 through K6 of the network ring having working channels and protection channels. Ellegaard does not teach or suggest trail protection function based on

transmission of protection information through K1 and K2 bytes of Section OverHead in SDH or Line OverHead in SONET.

**Kakuma** discloses a SONET formatter 134 which outputs to an E/O (electro-optical converter) 136 a cell in the line format supplied from the cell formatter 132 by mapping the cell to the SONET format with a SOH (section overhead) and a POH (path overhead) added. (Col. 7, lines 1-5). Kakuma also discloses that a fixed length data column having fifty-three bytes is called a cell. (Col. 1, lines 21-23).

Therefore, Kakuma teaches to map the cell having 53 bytes. Kakuma does not teach or suggest mapping K1 and K2 bytes. Furthermore, the cell is mapped to the SONET format. The cell is not mapped to the POH bytes of the path overhead.

Because neither Ellegaard, nor Kakuma, taken singularly or in combination, teaches or suggests at least “protection function based on transmission of protection information through K1 and K2 bytes of Section OverHead in SDH or Line OverHead in SONET, wherein the method further comprises the step of mapping the content of said K1 and K2 bytes by protocol exchange into POH bytes of the path overhead in SDH or SONET, at Low Order and/or High Order level,” **claim 1 and dependent claims 6 and 7** distinguish patentably and unobviously over Ellegaard and Kakuma.

**Claim 15** recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, the arguments presented above with respect to claim 1 are equally applicable here. For at least analogous exemplary reasons, therefore, it is respectfully submitted that **claim 15** distinguishes patentably and unobviously over Ellegaard and Kakuma, taken singularly or in combination.

**B. Claims 9, 13 and 19** are rejected under 35 U.S.C. 103(a) as being anticipated over Ellegaard (WO 99/00942) in view of Kakuma (U.S. Patent No. 5,488,606) and further in view of Phelps (U.S. Patent Application Publication No. 2005/0088963).

**Claim 9** indirectly depends on claim 1. Applicants have already demonstrated that Ellegaard and Kakuma do not teach or suggest all of the elements of claim 1. Phelps does not

compensate for deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claim 9 depends on claim 1, **claim 9** is patentable at least by virtue of its dependency.

**Claim 13** indirectly depends on claim 1. Applicants have already demonstrated that Ellegaard and Kakuma do not teach or suggest all of the elements of claim 1. Phelps does not compensate for deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claim 13 depends on claim 1, **claim 13** is patentable at least by virtue of its dependency.

**Claim 19** depends on claim 1. Applicants have already demonstrated that Ellegaard and Kakuma do not teach or suggest all of the elements of claim 1. Phelps does not compensate for deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 19. Since claim 19 depends on claim 1, **claim 19** is patentable at least by virtue of its dependency.

### **III. Allowable Subject Matter**

Claims 2-5, 8, 10-12, 14, 16 and 17 are objected to as being dependent upon a rejected base claim. Applicants gratefully acknowledge an allowable subject matter indicated by the Examiner.

### **IV. CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/822,667

Attorney Docket No.: Q80624

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

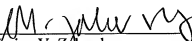
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**23373**

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In re application of

Vincenzo SESTITO, et al.

Appln. No.: 10/822,667

Confirmation No.: 7768

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For: TRAIL/PATH PROTECTION FOR SDH/SONET NETWORKS



Group Art Unit: 2661

Examiner: Not Assigned

**PAPER(S) FILED ENTITLED:**

1. Information Disclosure Statement (with a copy of Communication from a foreign patent office, references and PTO/SB/08 A & B (modified))

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